

To: Bove, James[Bove.James@epa.gov]; Travers, David[Travers.David@epa.gov]; Tulis, Dana[Tulis.Dana@epa.gov]; Stanton, Larry[Stanton.Larry@epa.gov]; DeHaven, Leigh[DeHaven.L Leigh@epa.gov]; Bosecker, Elizabeth[Bosecker.Elizabeth@epa.gov]; Gattuso, Peter[Gattuso.Peter@epa.gov]; Denning, George[Denning.George@epa.gov]; Wilson, Gregory[Wilson.Gregory@epa.gov]; Belke, Jim[Belke.Jim@epa.gov]; Swackhammer, J-Troy[Swackhammer.J-Troy@epa.gov]; Franklin, Kathy[Franklin.Kathy@epa.gov]; Kohn, Jeffrey[Kohn.Jeffrey@epa.gov]; Howard, MarkW[Howard.MarkW@epa.gov]; Nichols, Nick[Nichols.Nick@epa.gov]; Gioffre, Patricia[Gioffre.Patricia@epa.gov]; Jacob, Sicy[Jacob.Sicy@epa.gov]; Eby, Terry[Eby.Terry@epa.gov]; Principe, Vanessa[Principe.Vanessa@epa.gov]
Cc: Jennings, Kim[Jennings.Kim@epa.gov]
From: Matthiessen, Craig
Sent: Wed 4/2/2014 11:46:18 AM
Subject: FYI from BNA - West Virginia Bill With Stricter Rules For Above-Ground Storage Tanks Signed

FYI from BNA Report:

West Virginia Bill With Stricter Rules For Above-Ground Storage Tanks Signed

By Bebe Raupe

April 1 — Gov. Earl Ray Tomblin (D) signed legislation April 1 to regulate above-ground storage tanks (S.B. 373) following a chemical spill earlier this year that polluted drinking water for 300,000 West Virginians.

Tomblin proposed the measure in January after state inspectors discovered that a ruptured AST had released about 10,000 gallons of 4-methylcyclohexane methanol (MCHM) into the Elk River upstream from a West Virginia American Water intake portal, prompting a state-of-emergency drinking water prohibition for nine counties (14 DEN A-13, 1/22/14).

The act, which takes effect June 6, requires all above-ground storage tanks in “areas of critical concern” to be registered with the West Virginia Department of Environmental Protection and be subject to annual inspections by either the state or by independent engineers.

It establishes new AST requirements, including stricter permitting, and calls for early detection technology at water plants.

Tomblin said the new law will give the WVDEP the tools to develop a regulatory structure for ASTs, which should prevent another similar incident from happening.

The agency estimates that West Virginia has 1,600 ASTs, many located at some 100 tank farms that may sit in an “area of critical concern,” near a public drinking water source.

Other Requirements

Tomblin said the legislation also requires the West Virginia Bureau for Public Health to engage federal agencies in gathering medical information to assess potential long-term health effects associated with the spill (41 DEN A-13, 3/3/14).

Under the measure, West Virginia American Water must install an early monitoring system at its Elk River plant. In addition, all water utilities are required to have a written source water protection plan in place to prepare for emergency situations, specifically contaminant discharge into the water supply.

Dubbed the “spill bill,” the West Virginia House of Delegates unanimously approved the legislation, by a 95-0 vote, March 6 (45 DEN A-3, 3/7/14).

After removing one amendment, the bill unanimously passed the Senate on March 8 and was sent back to the House with a request that it approve the Senate revision, which it did 98-0 (47 DEN A-10, 3/11/14).

For More Information

The bill is available at
http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=SB373%20SUB2%20ENR

.htm&yr=2014&sesstype=RS&i=373